

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

MICHAEL TEDESCHI, II,)	CASE NO.:
)	
Plaintiff,)	JUDGE:
)	
v.)	
)	
CONTINENTAL SERVICE GROUP, INC.,)	<u>NOTICE OF REMOVAL</u>
)	
Defendant.)	
)	

Now comes Defendant Continental Service Group, Inc., pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 15 U.S.C. § 1692k, and files this Notice of Removal, and in support hereof sets forth the following grounds:

1. On or after September 22, 2011, Defendant was served with Plaintiff's Complaint, a copy of which is attached hereto, in an action entitled Michael Tedeschi, II v. Continental Service Group, Inc., filed of record with the Clerk of Court for the 52/3 Judicial District, State of Michigan, Case No. 11-C06150.
2. Plaintiff's Complaint purports to set forth a cause of action under the "Fair Debt Collection Practices Act" 15 U.S.C. §§ 1692 *et seq.*
3. This Court has original jurisdiction over Plaintiff's cause of action based on 15 U.S.C. § 1692 *et seq.*, as set forth in 28 U.S.C. § 1331 and 15 U.S.C. § 1692k(d). Pursuant to 28 U.S.C. § 1441, therefore, the civil action pending in the 52/3 Judicial District, State of Michigan, is removable to this Court.
4. Defendant has filed Answer to Plaintiff's Complaint with the Clerk of the 52/3 Judicial District, State of Michigan.
5. Copies of all process, pleadings and orders served upon Defendant in this action are attached hereto.
6. Thirty (30) days have not yet expired since receipt of Plaintiff's Complaint.
7. Defendant will provide written notice of the filing of this Notice of Removal to Plaintiff by ordinary mail and will also forward a Notice for filing with the Clerk of Court, 52/3 Judicial District, State of Michigan regarding this Notice of Removal.

WHEREFORE, Defendant prays that the above-captioned action now pending in the 52/3 Judicial Circuit, State of Michigan, be removed therefrom and placed on the regular docket of the United States District Court for the Eastern District of Michigan.

Respectfully submitted,

/s/Jeffrey C. Turner
Jeffrey C. Turner (OH # 0063154)
SURDYK, DOWD & TURNER CO., L.P.A.
One Prestige Place, Suite 700
Miamisburg, OH 45342
Tel.: (937) 222-2333
Fax: (937) 222-1970
jturner@sdtlawyers.com
Trial Attorney for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served via U.S. mail to the following on October 21, 2011:

Michael Tedeschi, II
2409 Beacon Hill Drive
Rochester Hills, MI 48309
Plaintiff Pro se

/s/Jeffrey C. Turner
Jeffrey C. Turner (OH # 0063154)
SURDYK, DOWD & TURNER CO., L.P.A.
One Prestige Place, Suite 700
Miamisburg, OH 45342
Tel.: (937) 222-2333
Fax: (937) 222-1970
jturner@sdtlawyers.com
Trial Attorney for Defendant

CIVIL COVER SHEET

County in which action arose Oakland County

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

MICHAEL TEDESCHI, II

DEFENDANTS

Continental Service Group, Inc.

(b) County of Residence of First Listed Plaintiff OAKLAND COUNTY
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)
MICHAEL TEDESCHI, II, Pro Se Plaintiff, 2409 Beacon Hill Drive, Rochester Hills, MI 48309

Attorneys (If Known)
Jeffrey C. Turner, Esq., Surdyk, Dowd & Turner Co., L.P.A., One Prestige Place, Ste. 700, Miamisburg, OH 45342 (937) 222-2333

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|--|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 U.S.C. section 1692 et seq.

Brief description of cause:
Fair Debt Collection Practices Act

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$**

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

October 21, 2011

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :



CT Corporation

**Service of Process
Transmittal**

09/22/2011

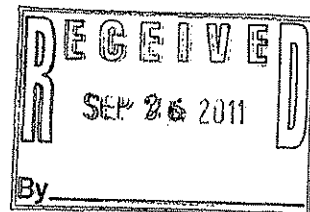
CT Log Number 519199241



TO: Pamela Baird
Continental Service Group, Inc.
200 CrossKeys Office Park
Fairport, NY 14450-

RE: Process Served in Michigan

FOR: Continental Service Group, Inc. (Domestic State: NY)



ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Michael Tedeschi II, etc., Pltf. vs. Continental Service Group Inc, etc., Dft.
Name discrepancy noted.

DOCUMENT(S) SERVED: Summons, Proof of Service Form, Complaint and Jury Demand

COURT/AGENCY: 52-3 District Court, Oakland County, MI
Case # 11C06150

NATURE OF ACTION: Violation of The Fair Debt Collection Practices Act for unlawful debt collection methods, acts and practices

ON WHOM PROCESS WAS SERVED: The Corporation Company, Bingham Farms, MI

DATE AND HOUR OF SERVICE: By Certified Mail on 09/22/2011 postmarked on 09/21/2011

JURISDICTION SERVED : Michigan

APPEARANCE OR ANSWER DUE: 12/21/2011

ATTORNEY(S) / SENDER(S): Michael Tedeschi II, Pro Se
2409 Beacon Hill Drive
Rochester Hills, MI 48309
248-652-8765

ACTION ITEMS: SOP Papers with Transmittal, via Fed Ex Priority Overnight , 797550794275

SIGNED: The Corporation Company
PER: Stephanie Hendrickson
ADDRESS: 30600 Telegraph Road
Suite 2345
Bingham Farms, MI 48025-5720
TELEPHONE: 248-646-9033

ED 2776042

To order this form, call (517) 337-1211
Target Information Management, Inc.
Approved, SCAO

Original - Court
1st copy - Defendant

2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN 52-3 JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS AND COMPLAINT	CASE NO. 11-C06150
---	-----------------------	-----------------------

Court address - 700 BARCLAY CIRCLE, ROCHESTER HILLS, MI 48307 (248) 6535553 Court telephone no.

Plaintiff name(s), address(es), and telephone no(s).
MICHAEL TEDESCHI II (IN ARPER)
2409 BEACON HILL DR
ROCHESTER HILLS MI 48309
(248) 652 8765

Plaintiff attorney, bar no., address, and telephone no.

Defendant name(s), address(es), and telephone no(s).
CONTINENTAL SERVICE GROUP INC
AIKIA CONSERV
C/O THE CORPORATION COMPANY
30600 TELEGRAPH RD
STE 2345
BINGHAM FARMS MI 48025
(800) 6337945

SUMMONS NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to file a written answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state). MCR 2.111(C)
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued 9/21/11	This summons expires 12/21/11	Court clerk RENEE S. GILLERT KC
-------------------	----------------------------------	---

*This summons is invalid unless served on or before its expiration date.

This document must be sealed by the seal of the court.

COMPLAINT Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.

Family Division Cases

- ☐ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
- ☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

General Civil Cases

- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge CASE ASSIGNED TO (P40515) JUDGE JULIE A. NICHOLSON	Bar no.
------------	--	---------

VENUE

Plaintiff(s) residence (include city, township, or village) ROCHESTER HILLS, MI	Defendant(s) residence (include city, township, or village) FAIRPORT NY
Place where action arose or business conducted ROCHESTER HILLS, MI	

Date
9/21/11

Signature of attorney/plaintiff
[Signature]

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you to fully participate in court proceedings, please contact the court immediately to make arrangements.

PROOF OF SERVICE**SUMMONS AND COMPLAINT**

Case No. _____

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE☐ **OFFICER CERTIFICATE**

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

- ☐ I served personally a copy of the summons and complaint,
☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,

together with _____

List all documents served with the Summons and Complaint

_____ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

- ☐ I have personally attempted to serve the summons and complaint, together with any attachments on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

Signature _____

Title _____

Subscribed and sworn to before me on _____, _____ County, Michigan.
 Date

My commission expires: _____ Signature: _____
 Date Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with _____

Attachments _____

on _____

Day, date, time

on behalf of _____

Signature _____

STATE OF MICHIGAN
IN THE 52-3 DISTRICT COURT

Michael Tedeschi II

Plaintiff

-vs-

Case No. 11-C06150

Continental Service Group Inc.

Hon.

Defendant

Michael Tedeschi II
In Pro Per
2409 Beacon Hill Drive
Rochester Hills, Mi 48309
(248) 652-8765

Continental Service Group, Inc.
P O Box 457
Fairport, NY 14450-0457
(800) 633 7945

COMPLAINT & JURY DEMAND

The Plaintiff states the following claims for relief:

Parties

The Plaintiff to this lawsuit is, Michael Tedeschi II, "Michael", who resides in Rochester Hills, Oakland County, Michigan.

The Defendant to this lawsuit is, Continental Service Group, Inc, "ConServe", a foreign corporation and collection agency operating in Michigan.

RECEIVED FOR FILING
52-3 DISTRICT COURT
2011 SEP 21 11 21 AM
DISTRICT COURT

General Allegations

1. On or about 1 April of 2011, ConServe, or their appointed agent or employee called the home phone number (248) 652 8765 of Michael. In that phone communication, The Caller ID shows UNAVAILABLE, in the name window with the number 585-421-1000 listed below.

The call was answered by digital recorder and no message recorded.

2. Calls repeated in this fashion via an electronic telephone device for several days on and off without meaningful disclosure of who was calling or for what purpose. Failing to identify themselves and state the purpose of debt collection.

3. On or about 7 April 2011, Michael did receive a letter via US Mail from ConServe dated 4 April 2011. The letter states a debt owed to the Department Of Education, the return address is for the National Payment Center of that agency. There by giving the false appearance that ConServe, is part of the United States government.

4. Further, the letter lists the full social security number of Michael, and contains no thirty day notice for dispute as provided by law.

5. The letter then states, "We have recently have been informed that you filed Bankruptcy and subsequently received a discharge"

6. ConServe would have had to discuss the debt of Michael with a third party to obtain knowledge of a bankruptcy.

7. This information is wrong, I have never declared bankruptcy.

8. In researching "ConServe", I have found no d/b/a for this name, but an entity operating in the state of Michigan named, Continental Service Group, Inc.

9. ConServe is using an unregistered assumed business identity.

10. On 7 April 2011, a letter was sent via USPS first class mail to ConServe denying the allegations and demanding to know the source of the erroneous information within ten days.

11. On 11 April 2011, a Cease and Desist letter was sent via fax to 585 598 6120 and via USPS First Class postage CERTIFIED MAIL RETURN RECEIPT REQUESTED due to the more than ten hang up calls, from ConServe that did also now extend to 248 854 4026, the cell phone of a family member.

12. Validation of the debt was requested of the Department of Education on 13 April 2011. On 3 May 2011, they returned a master promissory note in the name of Frank Tedeschi, signed by Michael Tedeschi, revealing the social security numbers of both persons, neither of which match that of Michael.

13. ConServe and the Department of Education failed to validate the debt.

14. On 3 May 2011, Michael again contacted the Department of Education, via USPS First Class postage CERTIFIED MAIL RETURN RECEIPT REQUESTED pointing out the documentation received was wrong, and again demanding validation of the debt, no reply has been received as of 21 Sept 2011.

15. On 11 May 2011, without response to the letter sent ConServe of 7 April 2011 for the source of the erroneous information contained in the

original correspondence of 4 April 2011, Michael again demanded that information via USPS First Class postage CERTIFIED MAIL RETURN RECEIPT REQUESTED, specifically stating that providing the information would not be a violation of the cease and desist, and that failure to do so would result in legal action. No Response has been received as of 21 September 2011.

COUNT I – Fair Debt Collection Practices Act (FDCPA)

Plaintiff incorporates the preceding allegations by reference.

Plaintiff has suffered damages as a result of these violations of the FDCPA. ConServes actions to collect this alleged debt from Plaintiff violated the provisions of FDCPA including but not limited to: 15 U.S.C. 1692b § 804 (1),(2), § 805, (b), (c), § 806 (5),(6), § 807 (1), (2)(A), (8),(10) § 808 (1), (5), § 809 (a) (3),(4),(5), (b)

Plaintiff entitled to \$1000.00 per violation of each of the provisions above.

COUNT II – Telephone Consumer Protection Act of 1991 ("TCPA")

Plaintiff incorporates the preceding allegations by reference.

The policy, procedures, method and acts of ConServe or its representatives are numerous and multiple violations of the TCPA, including but not limited to 47U.S.C. § 227(b)(1)(A)(iii).

ConServe (s) violations are multiple, repeated, willful and intentional.

Pursuant to the TCPA, 47 U.S.C. § 227(b)(3)(B), Plaintiff is entitled to statutory damages of \$500.00 per violation.

Pursuant to TCPA, 47 U.S.C. §§ 227(b)(3), Plaintiff is entitled to statutory damages of \$1,500.00 per willful or knowing violation.

COUNT III – Michigan Collection Practices Act

Plaintiff (s) incorporate the preceding allegations by reference.

ConServe is a regulated company for purposes of the Michigan Collection Practices Act, M.C.L. §445.251 *et seq.* ("MCPA"). ConServe has violated the MCPA. Plaintiff has suffered damages as a result of these violations of the MCPA.

Demand for Jury Trial

Plaintiff demands a trial by jury in this action.

Demand for Judgment for Relief

Accordingly, Plaintiff requests that the Court grant:

- a. The amount of \$25,000.00 representing actual damages for violations and items including emotional distress, mental anguish, frustration, harassment, embarrassment and violation of privacy.*
- b. Equitable relief under statute and common law.*
- c. Statutory damages.*
- d. Treble damages.*
- e. Statutory costs and fees.*
- f. Any other equitable relief the court deems appropriate to fully redress Plaintiff's damages.*

Respectfully Submitted

By: 
Michael Tedeschi II
In Pro Per
2409 Beacon Hill Drive
Rochester Hills, Mi 48309
(248) 652-8765

RECEIVED FOR FILING
52-3 DISTRICT COURT
2011 SEP 21 PM 5:03
DISTRICT COURT

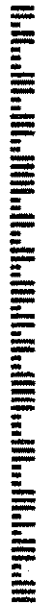
M. Tedeschi
2409 BEACON HILL DR
ROCHESTER HILLS, MI 48309



7010 3090 0001 9018 2173



\$5.590
US POSTAGE
FIRST-CLASS
FROM 33437
SEP 21 2011
Scanned by
2011



The Corporation Company
Attn: Continental Service Group Inc
30600 Telegraph Road Suite 2345
Bingham Farms MI 48025-5720

EXPRESS

For Fed

Shipments Only

92.60
5127
B
3
24
666
LH

7.101
applicable

Insert
airbill
here

From: (248) 646-9033
Hendrickson
C1 - Bingham Farms SOP Team
30600 Telegraph Road
Suite 2345
Bingham Farms, MI 48025

Origin ID: DETA

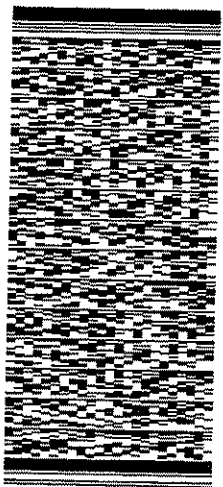


SHIP TO: (248) 646-9033

BILL SENDER

41120110080225

Pamela Baird
Continental Service Group, Inc.
200 CrossKeys Office Park
Fairport, NY 14450



Ship Date: 23SEP11
ActWgt: 1.0 LB
CAD: 103809728WMSX42500

Delivery Address Bar Code



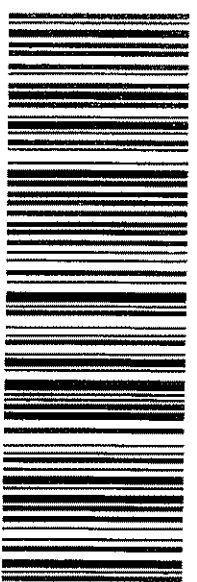
Ref # SOP0411800519199241/Hendrickson
Invoice #
PO #
Dept #

FedEx
7975 5079 4275

MON - 26 SEP A2
PRIORITY OVERNIGHT

SF KCCA

14450
NY-US
ROC



Emp# 304898 23SEP11 RBD A 50FC2/4299 /T5F4

STATE OF MICHIGAN

IN THE 52-3rd JUDICIAL DISTRICT COURT

MICHAEL TEDESCHI II,

Plaintiff,

v.

Case No. 11-C06150

CONTINENTAL SERVICE GROUP, INC.

Defendant.

MICHAEL TEDESCHI II
IN PRO PER
2409 Beacon Hill Drive
Rochester Hills, MI 48309
(248) 652-8765

JEFFREY A. SMOLEK (P53565)
JEFFREY A. SMOLEK, P.L.L.C.
Attorney for Defendant
20 W. Washington St., Suite 4A
Clarkston, MI 48346
(248) 625-5373

APPEARANCE

TO: Clerk of the Court / Michael Tedeschi II

Please enter my appearance as counsel in behalf of Defendant, CONTINENTAL
SERVICE GROUP, INC. in the above entitled matter.

JEFFREY A. SMOLEK, P.L.L.C.

BY: 

JEFFREY A. SMOLEK (P53565)
Attorney for Defendant
20 W. Washington St., Suite 4A
Clarkston, MI 48346
(248) 625-5373

Date: October 20, 2011

RECEIVED FOR FILING
52-30 DISTRICT COURT
2011 OCT 20 12:18
DISTRICT COURT

NOTICE OF APPEARANCE

TO: Clerk of the Court / Michael Tedeschi II

Please enter my appearance as counsel in behalf of Defendant, CONTINENTAL
SERVICE GROUP, INC. in the above entitled matter.

JEFFREY A. SMOLEK, P.L.L.C.

BY:


JEFFREY A. SMOLEK (P53565)

Attorney for Defendant

20 W. Washington St., Suite 4A

Clarkston, MI 48346

(248) 625-5373

Date: October 20, 2011

Proof of Service

The undersigned certifies that a copy of the foregoing instrument was served upon all parties to the above cause by mailing the same to them at their respective addresses as disclosed by the pleadings of record herein on October 20, 2011. I declare under penalty of perjury that the statement above is true to the best of m knowledge, information, and belief.


Jeffrey A. Smolek

80061/jas

**STATE OF MICHIGAN
IN THE 52-3 JUDICIAL DISTRICT COURT**

MICHAEL J. TEDESCHI,

Plaintiff,

v.

CONTINENTAL SERVICE GROUP,
INC.,

Defendant.

CASE NO. 11-C06150

**ANSWER OF DEFENDANT
TO PLAINTIFF'S COMPLAINT**

Continental Service Group, Inc. ("Defendant"), by counsel, states as follows for its Answer to the Complaint filed by Michael J. Tedeschi, II ("Plaintiff"):

FIRST DEFENSE

Defendant is without sufficient knowledge to form a belief as to the truth of the allegations regarding Plaintiff's residence contained in the "Parties" section of the Complaint, and therefore denies said allegations.

Defendant admits that it is a foreign corporation and collection agency operating in Michigan.

1. Admitted that on or about 1 April 2011, specifically March 31, 2011, Defendant placed a telephone call to 248-652-8765 in an attempt to collect Plaintiff's delinquent account. Defendant is without sufficient knowledge to form a belief as to the truth of the remaining allegations contained in paragraph 1 of the Complaint, and therefore denies said allegations.
2. Denied.
3. Admitted that on April 4, 2011, Defendant mailed a letter to Plaintiff stating that Plaintiff's delinquent account had been assigned to Defendant by the Department of Education. Admitted that the return address is for the National Payment Center. All other allegations contained in Paragraph 3 are denied.
4. Admitted that the April 4, 2011 letter contained Plaintiff's social security number. All other allegations contained in Paragraph 4 are denied in the form and fashion set forth.
5. Admitted as to the contents of the April 4, 2011 letter. All other allegations contained in Paragraph 5 are denied.

6. Denied.
7. Defendant is without sufficient knowledge to form a belief as to the truth of the allegations contained in paragraph 7 of the Complaint, and therefore denies said allegations.
8. Defendant is without sufficient knowledge to form a belief as to the truth of the allegations contained in paragraph 8 of the Complaint, and therefore denies said allegations.
9. Denied.
10. Admitted.
11. Admitted that Plaintiff sent Defendant a cease and desist letter via facsimile and mail. Denied that Defendant placed over ten telephone calls to Plaintiff. Defendant is without sufficient knowledge to form a belief as to the truth of the remaining allegations contained in paragraph 11 of the Complaint, and therefore denies said allegations.
12. Defendant is without sufficient knowledge to form a belief as to the truth of the allegations contained in paragraph 12 of the Complaint, and therefore denies said allegations.
13. Denied that Plaintiff requested validation of the debt from Defendant. Denied that Defendant was under any obligation to provide validation of the debt. Defendant is without sufficient knowledge to form a belief as to the truth of the remaining allegations contained in paragraph 13 of the Complaint, and therefore denies said allegations.
14. Defendant is without sufficient knowledge to form a belief as to the truth of the allegations contained in paragraph 14 of the Complaint, and therefore denies said allegations.
15. Admitted that Plaintiff mailed a letter to Defendant demanding information regarding the alleged bankruptcy filing. Admitted that Defendant has not responded to the letter. All other allegations contained in Paragraph 15 are denied.

COUNT I

Fair Debt Collection Practices Act (FDCPA)

All allegations incorporated by reference into Count I of Plaintiff's Complaint are admitted and denied in the same manner and to the same extent that said allegations are otherwise admitted and denied herein.

Denied that Defendant violated the FDCPA.

Denied that Plaintiff is entitled to \$1000.00 per violation of each provision above.
Denied that Plaintiff is entitled to any damages.

COUNT II

Telephone Consumer Protection Act of 1991 ("TCPA")

All allegations incorporated by reference into Count II of Plaintiff's Complaint are admitted and denied in the same manner and to the same extent that said allegations are otherwise admitted and denied herein.

Denied that Defendant violated the TCPA. Denied that Defendant engaged in multiple, repeated, willful or intentional violations of the TCPA.

Denied that Plaintiff is entitled to \$500.00 per violation of the TCPA. Denied that Plaintiff is entitled to statutory damages of \$1500.00 per willful or knowing violation of the TCPA.

COUNT III

Michigan Collection Practices Act ("MCPA")

All allegations incorporated by reference into Count III of Plaintiff's Complaint are admitted and denied in the same manner and to the same extent that said allegations are otherwise admitted and denied herein.

Denied that Defendant violated the MCPA. Denied that Plaintiff suffered damages as a result of Defendant's collection activities.

All other allegations in the Complaint not otherwise specifically admitted or denied herein are denied.

ADDITIONAL DEFENSES and PLEADINGS

1. Plaintiff failed to state a claim upon which relief can be granted.
2. Any violation of law by Defendant, which is specifically denied, resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid the error.
3. Plaintiff failed to mitigate any damages.
4. At all pertinent times, Defendant acted in good faith reliance on the information provided by the original creditor of the account at issue.
5. At all times Defendant acted in good faith.

6. Defendant did not make any false or misleading representation to Plaintiff or anyone else.
7. Plaintiff did not justifiably rely upon any alleged false or misleading representation.
8. Defendant intends to remove this matter to Federal Court as Plaintiff's allegations raise questions of federal law and, as such, jurisdiction of this matter is proper in Federal Court.

WHEREFORE, Defendant requests that this Court dismiss Plaintiff's Complaint at Plaintiff's cost, and that Defendant be awarded reasonable attorney fees and costs as provided for under applicable law.

Respectfully submitted,



Jeffrey A. Smolek
Jeffrey A. Smolek, P.L.L.C.
20 W. Washington, Suite 4A
Clarkston, MI 48346
(248) 625-5373
(248) 625-5573 (fax)
Attorney for Defendant

PROOF OF SERVICE

A copy of the foregoing has been served via U.S. Mail to the following on October 20, 2011:

Michael J. Tedeschi
2409 Beacon Hill Drive
Rochester Hills, MI 48309
Plaintiff Pro se



Jeffrey A. Smolek
Jeffrey A. Smolek, P.L.L.C.
20 W. Washington, Suite 4A
Clarkston, MI 48346
(248) 625-5373
(248) 625-5573 (fax)
Attorney for Defendant